

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ISMAELA PENA,

Plaintiff,

v.

Case No: 2:20-cv-343-SPC-MRM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 19](#)). Judge McCoy recommends affirming the decision of the Commissioner of the Social Security Administration pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Neither party objects to the Report and Recommendation, and the time to do so has expired.

A district judge “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” [28 U.S.C. § 636\(b\)\(1\)](#). The judge “shall make a de novo determination of those portions

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of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

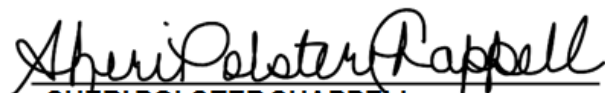
ORDERED:

The Report and Recommendation ([Doc. 19](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated therein.

(1) The decision of the Commissioner of the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) is **AFFIRMED**.

(2) The Clerk is **DIRECTED** to enter judgment, deny any pending motions as moot, terminate any deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida on July 22, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record